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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,710	01/11/2001	Katsuhiko Oki	001765	4391

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WASHINGTON, DC 20006

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/754,710

Applicant(s)

OKI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended Claims 1-3, 7, 9-12, 14-23, and 26-37. Rejection of Claims 26-37 under 35 USC 101 was withdrawn due to Applicant's amendment. Rejection of Claims 1, 3, 10, 11, and 26 under 35 USC 112 second paragraph was withdrawn due to Applicant's amendment to correct indefinite claim language. The Applicant further substantially amended Claims 1, 3, 11, and 26. All pending claims (1-37) were examined in this final Office Action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments filed 23 March 2004 have been fully considered but they are not persuasive.

The Applicant states that independent Claims 1, 11, and 26 were amended to a) include electronic ticket or coupon transfer from wireless computer from wireless computer, and b) the name of ownership is changed in the server memory. The Applicant argues these changes distinguish the independent claims over the prior art of Rosen. The examiner's response is noted below:

- Please note the following:
  - Claims 1 and 26: claim forming a communications link between a first device and a second device. Wireless is not claimed.

- Claim 11: claims wireless communication.
- Rosen discloses:
  - forming a communication link between a first device and a second device: forms communication link between a customer transaction device (CTD) and merchant transaction device (MTD) (please see at least Fig. 1 (2, 4); Fig. 3 (122); Fig. 5 (188, 198); col. 8, lines 5-29). Rosen further discloses transaction devices being wired or wireless (see at least col. 8, lines 21-31).
  - sending and receiving information data between first and second device; first device orders ticket from second device: customer device orders electronic ticket from merchant device (see at least col. 4, line 45 through col. 8, line 2; col. 17, line 57 through col. 18, line 20; col. 19, lines 56-62).
  - recording the name of an owner associated with the first device in a memory of the second device as owner of the ticket: merchant records the sell after the electronic ticket is transferred to the customer (see col. 23, lines 62-67); ticket history section contains receiver ID (new owner) (see at least col. 7, lines 49-63); new owner's ID (trusted Agent B) recorded in previous owner's device (trusted Agent A) prior to sending to new owner (see at least col. 26, lines 43-51); trusted agents record transaction in respective transaction log (see at least Fig. 3 (120); col. 14, lines 33-39).

- contacting a third device to pay for the ticket: payment authorization made by contacting payment card network; payment made before receipt of electronic ticket or after receipt of electronic ticket (see col. 19, lines 62-65; col. 22, lines 45-53; col. 24, lines 37-65).
- transferring a ticket to a fourth device from the first device: transfer to a portable device or friend's or relative's device (see col. 26, lines 12-56).
- changing the name of ownership to an owner associated with the fourth device in the memory of the second device: current ownership and previous owners stored with electronic ticket as transfer history (see Fig. 2 (18); col. 7, lines 49-63); current owner (either owner of first device or owner of fourth device) of ticket presents ticket to merchant (second device) to redeem for services or products; ticket contains current owner information which is transferred to the second device (see at least col. 25, line 15-60).
- a server: merchant transaction device; merchant server, trusted server, authority server, primary trusted server, merchandise server (see at least Fig. 5; col. 10, line 14 through col. 13, line 30).

*Well Within the Skill*

The Applicant did not traverse the examiner's assertion pertaining to: computer software executed by a computer stored in recordable medium. The statement is taken to be admitted prior art.

*Examiner's Note*

The Examiner notes that Applicant argued dependent Claims 10, 12-25, and 27-37 based on the merits of the amended independent claims being patentable and did not address the merits of the cited prior art teachings.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1-9 are rejected under 35 USC 102(b) as being anticipated by Rosen (Paper #6, patent number 5,621,797).**

Rosen teaches all the limitations of Claims 1-9. For example, Rosen discloses a method of selling electronic tickets (e.g. event tickets, electronic merchandise) and transferring an electronic ticket purchased by a first buyer (first device) across an electronic communications link (please note this discloses send and receiving first information) from a seller's device (second device), a human-to-machine interface capable of displaying electronic ticket information (e.g.

Art Unit: 3625

keyboard, mouse, pen voice, touch screen, icons, menus), and use of wireless transaction devices (see at least title; abstract; Fig. 1 (1, 4); Fig. 3 (122, 132); Fig. 5 (188, 198); col. 1, lines 15 through col. 2, lines 43; col. 4, line 45 through col. 28; col. 8, lines 21-29). Rosen discloses a buyer (first device) making payment in exchange for an electronic ticket using at least a credit card or debit card account to be charged, and seller's device (second device) forming a communication link with a trusted agency (third device) for account charging (sending second information), and engaging in abort and commit communication depending on whether the purchase transaction could be completed or not completed (third information) and rectifying ownership of the electronic ticket, and repeating attempts to complete transactions (see at least Fig. 1 (MONEY); Fig. 5 (192, 208); col. 10, lines 15-38; col. 23, lines 26-67; col. 13, lines 52 through col. 15, lines 27; col. 24, lines 37-64). Rosen discloses transferring an electronic ticket aside from the initial issuing of a ticket, purchasing a ticket via a desktop transaction device embedded in a personal computer and transferring it to a portable device, an owner transferring credentials from one device to another device, and an owner purchasing a ticket (first device) and transferring the ticket to another party's device (fourth device) (see at least col. 26, lines 12-24). Rosen discloses the transfer mechanisms ensuring ownership is transferred from previous owner to current owner and that the ticket has been erased from previous owner's device, and communicating change in ownership credentials (see at least col. 13, lines 62-66; col. 26, lines 25-56). Rosen further discloses:

- forming a communication link between a first device and a second device:  
forms communication link between a customer transaction device (CTD) and merchant transaction device (MTD) (please see at least Fig. 1 (2, 4); Fig. 3 (122); Fig. 5 (188, 198); col. 8, lines 5-29); wired or wireless transaction devices with host processor (see at least col. 8, lines 21-31).
- sending and receiving information data between first and second device:  
first device orders ticket from second device: customer device orders electronic ticket from merchant device (see at least col. 4, line 45 through col. 8, line 2; col. 17, line 57 through col. 18, line 20; col. 19, lines 56-62).
- recording the name of an owner associated with the first device in a memory of the second device as owner of the ticket: merchant records the sell after the electronic ticket is transferred to the customer (see col. 23, lines 62-67); ticket history section contains receiver ID (new owner) (see at least col. 7, lines 49-63); new owner's ID (trusted Agent B) recorded in previous owner's device (trusted Agent A) prior to sending to new owner (see at least col. 26, lines 43-51); trusted agents record transaction in respective transaction log (see at least Fig. 3 (120); col. 14, lines 33-39).
- contacting a third device to pay for the ticket: payment authorization made by contacting payment card network; payment made before receipt of electronic ticket or after receipt of electronic ticket (see col. 19, lines 62-65; col. 22, lines 45-53; col. 24, lines 37-65).



- transferring a ticket to a fourth device from the first device: transfer to a portable device or friend's or relative's device (see col. 26, lines 12-56).
- changing the name of ownership to an owner associated with the fourth device in the memory of the second device: current ownership and previous owners stored with electronic ticket as transfer history (see Fig. 2 (18); col. 7, lines 49-63); current owner (either owner of first device or owner of fourth device) of ticket presents ticket to merchant (second device) to redeem for services or products; ticket contains current owner information which is transferred to the second device (see at least col. 25, line 15-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Rosen (Paper #6, patent number 5,621,797), in view of Ohr (Paper #6, PTO-892, Item: U).**

Rosen teaches all the above as noted under the 102(b) rejection and further teaches wireless transaction devices connecting into a network (see at least col.

8, lines 21-29), but does not disclose Bluetooth. Ohr teaches Bluetooth technology as a springboard for wireless Internet access for wireless devices (cellular phones) (Item: U, see at least pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Rosen to include Bluetooth as taught by Ohr, in order to allow users to benefit from evolving technology providing wireless access to the Internet, and thereby attract wireless commerce users to the service.

**3. Claims 11-18 are rejected under 35 USC 103(a) as being unpatentable over Rosen (patent number 5,621,797), in view of Revett et al. (Paper #6, PTO-892, Item: V).**

Rosen teaches an open electronic commerce system comprising servers connected over a network, wireless or wired transaction devices interfacing with network servers, and storing information. Rosen teaches selling electronic tickets (e.g. event tickets, electronic merchandise) and transferring an electronic ticket(s) purchased by a first buyer (first device) across an electronic communications link (please note this discloses send and receiving first information) from a seller's device (second device), a human-to-machine interface capable of displaying electronic ticket information (e.g. keyboard, mouse, pen voice, touch screen, icons, menus), and use of wireless transaction devices (see at least title; abstract; Fig. 1 (1, 4); Fig. 3 (122, 132); Fig. 5 (188, 198); col. 1, lines 15 through col. 2, lines 43; col. 4, line 45 through col. 28; col. 8,

lines 21-29). Rosen teaches a buyer (first device) making payment in exchange for an electronic ticket using at least a credit card or debit card account to be charged, and seller's device (second device) forming a communication link with a trusted agency (third device) for account charging (sending second information), and engaging in abort and commit communication depending on whether the purchase transaction could be completed or not completed (third information) and rectifying ownership of the electronic ticket, and repeating attempts to complete transactions (see at least Fig. 1 (MONEY); Fig. 5 (192, 208); col. 10, lines 15-38; col. 23, lines 26-67; col. 13, lines 52 through col. 15, lines 27; col. 24, lines 37-64). Rosen teaches transferring an electronic ticket aside from the initial issuing of a ticket, purchasing a ticket via a desktop transaction device embedded in a personal computer and transferring it to a portable device, an owner transferring credentials from one device to another device, and an owner purchasing a ticket (first device) and transferring the ticket to another party's device (fourth device) (see at least col. 26, lines 12-24). Rosen teaches the transfer mechanisms ensuring ownership is transferred from previous owner to current owner and that the ticket has been erased from previous owner's device, and communicating change in ownership credentials (see at least col. 13, lines 62-66; col. 26, lines 25-56). Rosen further teaches:

- a wireless user computer (first computer); wireless second computer::  
customer transaction device (CTD) and merchant transaction device  
(MTD) (please see at least Fig. 1 (2, 4); Fig. 3 (122); Fig. 5 (188, 198); col.

8, lines 5-29); transaction devices being wired or wireless (see at least col. 8, a server: merchant transaction device; merchant server, trusted server, authority server, primary trusted server, merchandise server (see at least Fig. 5; col. 10, line 14 through col. 13, line 30).

- a third wireless computer: merchant records the new ticket owner before transferring, and record the sell after the electronic ticket is transferred to the customer (see col. 23, lines 62-67); ticket history section contains receiver ID (new owner) (see at least col. 7, lines 49-63); new owner's ID (trusted Agent B) recorded in previous owner's device (trusted Agent A) prior to sending to new owner (see at least col. 26, lines 43-51); trusted agents record transaction in respective transaction log (see at least Fig. 3 (120); col. 14, lines 33-39); transfer ticket to a third device (e.g. portable device or friend's or relative's device) (see col. 26, lines 12-56); current ownership and previous owners stored with electronic ticket as transfer history (see Fig. 2 (18); col. 7, lines 49-63); current owner (either owner of first device or owner of third device) of ticket presents ticket to merchant (second device) to redeem for services or products; ticket contains current owner information which is transferred to the second device (see at least col. 25, line 15-60).
- contacting a device to pay for the ticket: payment authorization made by contacting payment card network; payment made before receipt of

electronic ticket or after receipt of electronic ticket (see col. 19, lines 62-65; col. 22, lines 45-53; col. 24, lines 37-65).

Rosen teaches all the above as noted under the 103(a) rejection and teaches a) an open electronic commerce system comprising electronic servers, b) wireless or wired transaction devices, c) users purchasing theater tickets, and d) a buyer browsing a merchant's server, but does not specifically disclose a server providing a web site. Revett et al. teach users using wired or wireless devices, purchasing theater tickets using an electronic transaction device, and accessing web sites with transaction devices for electronic commerce shopping (see at least pages 1-3, and 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Rosen to disclose a server providing a web site as taught by Revett et al., in order to allow users to access web-based commerce shopping services, and thereby capture a growing source of shoppers using wireless devices.

- 4. Claims 19-25 are rejected under 35 USC 103(a) as being unpatentable over Rosen (Paper #6, patent number 5,621,797) and Revett et al. (Paper #6, PTO-892, Item: V), as applied to Claims 11 and 14, in view of Mann et al. (Paper #6, patent number 6,119,096).**

Rosen and Revett et al. teach all the above as noted under the 103(a) rejection and further teach biometrics as a means to identify a user (Rosen: see at least col. 11, lines 40-43), but do not disclose fingerprinting. Mann et al. teach

buyers purchasing tickets for entertainment and sporting events, aftermarket resale of tickets by a reseller (see at least abstract; col. 1, lines 47 through col. 2, line 2). Mann et al. teach biometric scanning, fingerprinting, palm printing, facial scanning, or iris scanning to authenticate a user (see at least col. 5, lines 3-17), storing images in databases, and accessing financial networks (see at least Fig. 1 (106, 110, 111); col. 5, lines 18-45). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Rosen and Revett et al. to implement fingerprinting as taught by Mann et al., in order to authenticate a user.

**5. Claims 26-37 are rejected under 35 USC 103(a) as being unpatentable over Rosen (Paper #6, patent number 5,621,797).**

Rosen teaches a method of selling electronic tickets (e.g. event tickets, electronic merchandise) and transferring an electronic ticket purchased by a first buyer (first device) across an electronic communications link (please note this discloses send and receiving first information) from a seller's device (second device), a human-to-machine interface capable of displaying electronic ticket information (e.g. keyboard, mouse, pen voice, touch screen, icons, menus), and use of wireless transaction devices (see at least title; abstract; Fig. 1 (1, 4); Fig. 3 (122, 132); Fig. 5 (188, 198); col. 1, lines 15 through col. 2, lines 43; col. 4, line 45 through col. 28; col. 8, lines 21-29). Rosen teaches a buyer (first device) making payment in exchange for an electronic ticket using at least a credit card

or debit card account to be charged, and seller's device (second device) forming a communication link with a trusted agency (third device) for account charging (sending second information), and engaging in abort and commit communication depending on whether the purchase transaction could be completed or not completed (third information) and rectifying ownership of the electronic ticket, and repeating attempts to complete transactions (see at least Fig. 1 (MONEY); Fig. 5 (192, 208); col. 10, lines 15-38; col. 23, lines 26-67; col. 13, lines 52 through col. 15, lines 27; col. 24, lines 37-64). Rosen teaches transferring an electronic ticket aside from the initial issuing of a ticket, purchasing a ticket via a desktop transaction device embedded in a personal computer and transferring it to a portable device, an owner transferring credentials from one device to another device, and an owner purchasing a ticket (first device) and transferring the ticket to another party's device (fourth device) (see at least col. 26, lines 12-24). Rosen teaches the transfer mechanisms ensuring ownership is transferred from previous owner to current owner and that the ticket has been erased from previous owner's device, and communicating change in ownership credentials (see at least col. 13, lines 62-66; col. 26, lines 25-56). Rosen further teaches:

- software components: transaction device as combination of hardware and software components; transaction applications; server applications (see at least Fig. 1 (2,4); col. 4, lines 14-16; col. 8, lines 30-43).
- forming a communication link between a first device and a second device: forms communication link between a customer transaction device (CTD)

and merchant transaction device (MTD) (please see at least Fig. 1 (2, 4); Fig. 3 (122); Fig. 5 (188, 198); col. 8, lines 5-29); wired or wireless transaction devices with host processor (see at least col. 8, lines 21-31).

- sending and receiving information data between first and second device; first device orders ticket from second device: customer device orders electronic ticket from merchant device (see at least col. 4, line 45 through col. 8, line 2; col. 17, line 57 through col. 18, line 20; col. 19, lines 56-62).
- recording the name of an owner associated with the first device in a memory of the second device as owner of the ticket: merchant records the sell after the electronic ticket is transferred to the customer (see col. 23, lines 62-67); ticket history section contains receiver ID (new owner) (see at least col. 7, lines 49-63); new owner's ID (trusted Agent B) recorded in previous owner's device (trusted Agent A) prior to sending to new owner (see at least col. 26, lines 43-51); trusted agents record transaction in respective transaction log (see at least Fig. 3 (120); col. 14, lines 33-39).
- contacting a third device to pay for the ticket: payment authorization made by contacting payment card network; payment made before receipt of electronic ticket or after receipt of electronic ticket (see col. 19, lines 62-65; col. 22, lines 45-53; col. 24, lines 37-65).
- transferring a ticket to a fourth device from the first device: transfer to a portable device or friend's or relative's device (see col. 26, lines 12-56).



- changing the name of ownership to an owner associated with the fourth device in the memory of the second device: current ownership and previous owners stored with electronic ticket as transfer history (see Fig. 2 (18); col. 7, lines 49-63); current owner (either owner of first device or owner of fourth device) of ticket presents ticket to merchant (second device) to redeem for services or products; ticket contains current owner information which is transferred to the second device (see at least col. 25, line 15-60).

Rosen teaches all the above as noted under the 103(a) rejection and further teach use of hardware and computer software, but do not disclose recordable medium storing computer software. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose recordable medium for program software storage, since it is well within the skill to ascertain that computer software executed by a computers is stored in recordable medium.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final  
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
June 14, 2004